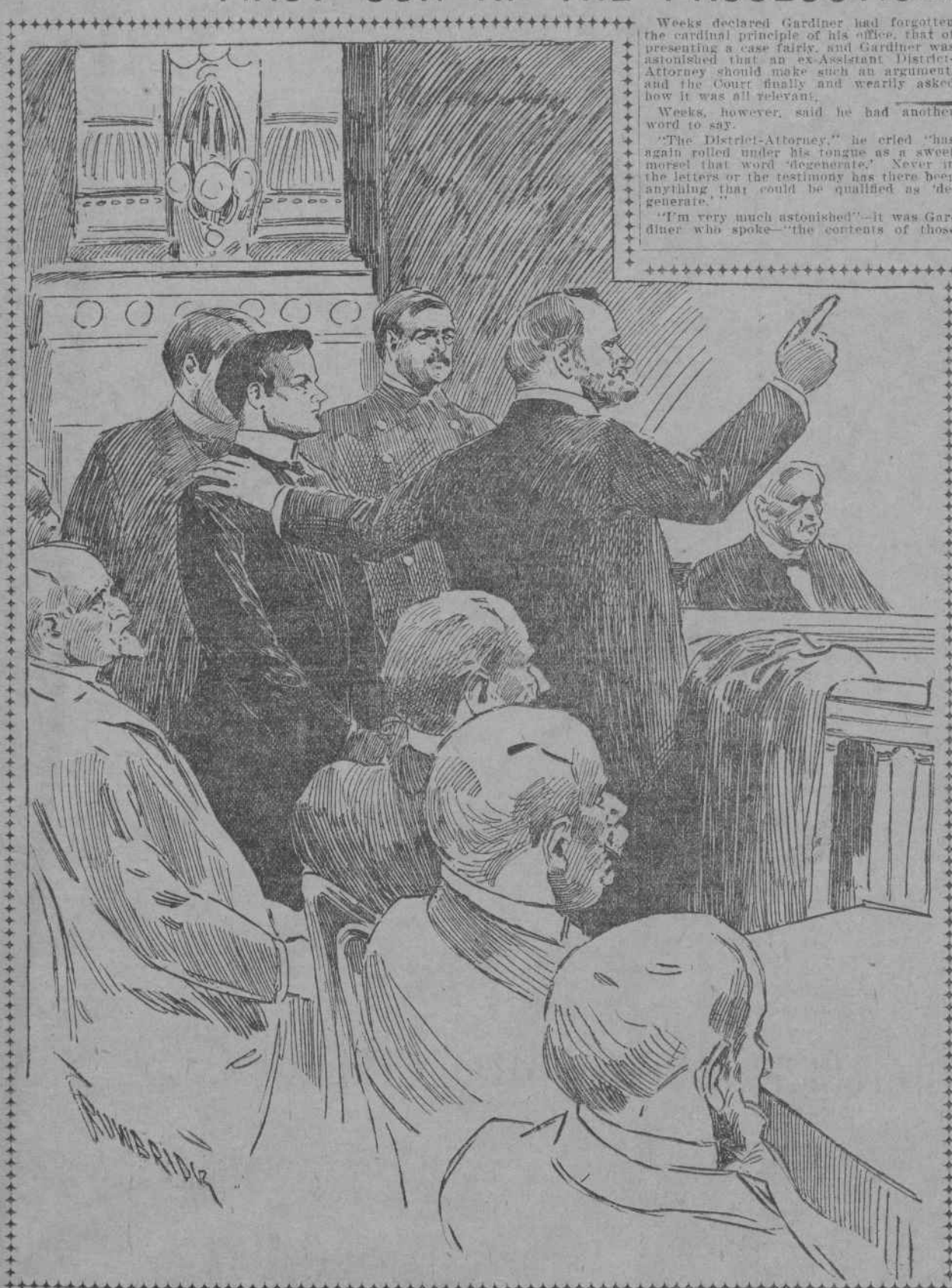


# MOLINEUX'S COUNSEL FIRES THE FIRST GUN AT THE PROSECUTION.



Bartow S. Weeks Pleading to See the Minutes of the Grand Jury.

Roland B. Molineux stood like a statue while his counsel made an impassioned plea to Justice Blanchard to allow him to examine the Grand Jury's minutes. The Judge reserved his decision.

## Demand to See the Minutes of the Grand Jury That Indicted Him.

### NO DECISION RENDERED.

### The Accused Athlete Stands in Court Motionless While the Lawyers Wrangle.

For two hours yesterday morning Roland B. Molineux stood at the bar in the Criminal Court while his lawyer argued that he be permitted to inspect the minutes of the Grand Jury that indicted Molineux for the murder of Mrs. Adams.

Judge Blanchard did not decide the point, but it is a reasonable guess that when he does announce his decision it will be against Molineux.

The purpose of the motion was to gain information on which to base a demurrer to the indictment. For, according to the view of the defense, there is no legal ground for the accusation against Molineux.

Yesterday's proceedings were probably of less importance in themselves than indicating the character of the fight the prisoner will make against the law. It is obvious now that every step in the proceedings will be marked by a battle. Molineux might waive all the preliminary skirmishing and have the trial over as soon as possible and so gain his freedom in short order if the prosecution cannot prove the case against him, but that would not be a lawyer's way, so the accused man has numbered oracles, such as that of yesterday, ahead of him before he comes to the great strain of the actual trial.

### Weeks Fires His First Gun:

"Before the prisoner pleads," began Bartow S. Weeks, "we have a motion to make that he be allowed to inspect the minutes of the Grand Jury that indicted him."

"And," he continued, his voice swelling until it filled the crowded court room, "before we go any further, I desire to express my gratitude that this case has at last reached a court where we may inquire into the proceedings had against him."

Mr. Weeks has a fine, deep, rolling voice, and he was prodigal of it as he denounced the "persecution of his client," etc., etc.

All of the dramatic personae made familiar by the coroner's inquest were there. District-Attorney Gardner, Assistant Osborne and Blumenthal occupied a table. Just outside the rail where the crowd pressed upon him was old, indomitable General Molineux. At Roland Molineux's left hand was George Gordon Battle, Mr. Weeks's associate.

Weeks did not get through his argument without interruption. He had hardly begun and was in the midst of an impassioned period when Gardner demanded that he stay inside the record. Before the argument was done the lawyers had mutually accused each other of falsehood, but the life was passed in accordance with all legal form, and so ended it is not a fighting word.

Denouncing the District-Attorney was Weeks's sharpest weapon. Gardner

matched it with repeated citations of other prison cases, such as the Carlyle Harris and the Dr. Buchanan cases, in both of which he was particularly state, the defendant had suffered the death penalty.

Molineux stood like a man of stone during all these lawyerly joustings, except when he frequently spoke of electrocution; then the prisoner's bright bird-like glance danced over to the District-Attorney and rested there an instant.

"Upon the confession of the District-Attorney," cried Weeks, "the defendant is guilty of the murder of Mrs. Adams."

"That is not so," said Gardner cheerfully.

Never heeding, Weeks went on with his argument. Briefly, he contended that the coroner's inquest was unfair and illegal; that the District-Attorney had established a precedent in summing up to the coroner's jury; that the finding of an indictment pending the coroner's examination was illegal; that there was reason to believe the indictment had been found upon insufficient and probably illegal evidence, and that Molineux was entitled to know what the case was against him in order that he might prepare his defense.

Therefore, Weeks argued bluntly and emphatically, they were entitled to inspect the Grand Jury's minutes.

Weeks's chief precedent was the Farrell case, when what he asked in this case was done.

Gardner always came back at him with the cases of Carlyle Harris, Dr. Buchanan and Dr. Meyer, in which the opposite course was taken by the finding of an indictment.

"This defendant has an old father," cried Weeks, "an old man who fought for his country and to-day bears the scars of battle. He is probably close to the end of his career. There is no way to preserve that old father's testimony for his son—that testimony which he has a right to give and which would be of incalculable value to his son."

The general Molineux leaned forward as Weeks pointed to him. Young Molineux remained as stolid as the judge, and Judge Blanchard, when listening to an argument, wears an expression beside which that of a graven image is feeble with feeling.

"Then Weeks denounced the District-Attorney for his doublet in getting Molineux to testify, and referred to it as 'compulsion'."

"That's not so," said Gardner.

"I hope," cried Weeks, "my word is as good here as the District-Attorney's."

"But no better," said Gardner.

"Expert Testimony Denounced."

In the course of his remarks Weeks denounced expert testimony. He invoked Supreme Court decisions deprecating this testimony until it seemed to a layman as if there could be nothing else in the law books. A Virginia case, in which expert testimony was used to establish the guilt of a man, was cited by Weeks as a warning against the use of expert testimony.

"There was much of this sort of argument," said Weeks, "and I am satisfied with to-day. There was much in the case that was not conducive to good morals. Even in my address to the jury I had to omit some things referred to in the correspondence, some points of degeneracy, because of the presence of women."

Gardner made the obvious argument that Molineux would have the fullest opportunity to protect himself when it came to the trial.

"What I said and did at the inquest," said Gardner, "I am satisfied with to-day. There was much in the case that was not conducive to good morals. Even in my address to the jury I had to omit some things referred to in the correspondence, some points of degeneracy, because of the presence of women."

Gardner made the obvious argument that Molineux would have the fullest opportunity to protect himself when it came to the trial.

"What I said and did at the inquest," said Gardner, "I am satisfied with to-day. There was much in the case that was not conducive to good morals. Even in my address to the jury I had to omit some things referred to in the correspondence, some points of degeneracy, because of the presence of women."

Gardner made the obvious argument that Molineux would have the fullest opportunity to protect himself when it came to the trial.

"What I said and did at the inquest," said Gardner, "I am satisfied with to-day. There was much in the case that was not conducive to good morals. Even in my address to the jury I had to omit some things referred to in the correspondence, some points of degeneracy, because of the presence of women."

Gardner made the obvious argument that Molineux would have the fullest opportunity to protect himself when it came to the trial.

"What I said and did at the inquest," said Gardner, "I am satisfied with to-day. There was much in the case that was not conducive to good morals. Even in my address to the jury I had to omit some things referred to in the correspondence, some points of degeneracy, because of the presence of women."

Gardner made the obvious argument that Molineux would have the fullest opportunity to protect himself when it came to the trial.

"What I said and did at the inquest," said Gardner, "I am satisfied with to-day. There was much in the case that was not conducive to good morals. Even in my address to the jury I had to omit some things referred to in the correspondence, some points of degeneracy, because of the presence of women."

Gardner made the obvious argument that Molineux would have the fullest opportunity to protect himself when it came to the trial.

"What I said and did at the inquest," said Gardner, "I am satisfied with to-day. There was much in the case that was not conducive to good morals. Even in my address to the jury I had to omit some things referred to in the correspondence, some points of degeneracy, because of the presence of women."

Gardner made the obvious argument that Molineux would have the fullest opportunity to protect himself when it came to the trial.

"What I said and did at the inquest," said Gardner, "I am satisfied with to-day. There was much in the case that was not conducive to good morals. Even in my address to the jury I had to omit some things referred to in the correspondence, some points of degeneracy, because of the presence of women."

Gardner made the obvious argument that Molineux would have the fullest opportunity to protect himself when it came to the trial.

"What I said and did at the inquest," said Gardner, "I am satisfied with to-day. There was much in the case that was not conducive to good morals. Even in my address to the jury I had to omit some things referred to in the correspondence, some points of degeneracy, because of the presence of women."

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

Weeks, however, said he had another word to say.

"The District-Attorney," he cried, "has again rolled under his tongue as a sweet morsel that word 'documentary.' Never in the letters or the testimony has there been anything that could be qualified as 'documentary.'"

"I'm very much astonished," it was Gardner who spoke, "the contents of those

Weeks declared Gardner had forgotten the cardinal principle of his office, that of presenting a case fairly, and Gardner was astonished that an ex-Assistant District-Attorney should make such an argument, and the Court finally and wearily asked how it was all relevant.

# TWO MITES DIVE NECK AND NECK FROM A WINDOW.

Sister and Brother Plunge from a Fourth-Story Floor.

LAND ON AN AWNING.

Rebound Like Acrobats from a Net, and Reach the Street Not Much Hurt.

The next time Maud and George McCaullage go to the circus they need not expect them to be deeply moved by the man who launches himself from a great height and falls bounding into a net. Maud and George will probably watch him with coldly critical eyes, and possibly, when the athlete kisses his hand to the multitude:

"Pshaw! That's easy! That's just the way we dived out of the top floor window into the cigar store awning."

Maud is five and George is two. Their home is on the fourth floor of No. 1896 Second avenue. Yesterday afternoon they were left alone, for their mother had gone out shopping, with the parting injunction:

"Now, Maud, don't you touch the fire and don't let George go too near the window."

The latter part of this injunction exacted the utmost, for there was a phenomenon outside more fascinating even than the kitchen fire. Small George had not arrived at an age to be bored by anything so beautiful and wonderful as the winter's fakes.

Maud called it authoritatively "Theo" and George imitatively "No," and each in a feigned feather lured him nearer and nearer to the window in his ecstatic fummings and wiggles on the couch whereon his sister had plopped him.

She, too, was probably hypnotized by the spectacle, for she was awakened from a deep fit of abstraction by a crash of glass. George had lost his balance and inched through the window into the merry white company without.

Maud made a wild clutch at his frock as his legs shot up, and that sent her over too.

It was a neck and neck race for the street, George leading all the way by half a length. They started head first, with arms and legs sprawling, but those across the street who chanced to be witnesses of their adventure saw them both turn gently half way down, so that they finished in a sitting posture.

Schnabel, the cigar dealer, had lowered his awning in the morning and it had caught enough snowflakes to form a thick mattress. Schnabel had not been prepared to catch human snowflakes, however, and when his awning sagged abruptly, with a great noise and straining, and then rebounded, he rushed to his door in terror.

The remains of the snow mattress were showering all about and among them two small figures plumped into the roadway.

Maud sat up without so much as a whimper.

"I ain't hurt," she announced, "but George's asleep, and mamma'll whip me."

But mamma didn't do anything of the kind. She found her two mites in the Harlem Hospital. George had a slight concussion of the brain, which might have happened to him from falling off a chair. Maud had a few bruises. But were scratched a little by the window glass. And that was all.

Be Sure To Demand, and See That You Get a

BENSON'S

3 SEAL (STAMP)

(ON THE GENUINE)

It is the best

POROUS

PLASTER

The most successful remedy against Coughs, Colds, Grippe and the Common Cold to prevent. Clean, safe and sure. It never fails. Price 30c. All Druggists. Or in 10c. Seaboard & Johnson, N.Y., if unobtainable.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

101 Brewer Building, Boston, Mass.

# TWO INDICTMENTS FOR M'NAUGHTANS

Tradesmen's Bank President Accused of Fraud and Conspiracy.

BANKRUPT FOR A MILLION.

Brothers James and Allan Held for False Certification of a \$510,000 Check.

James and Allan Macnaughtan, charged with wrecking the Tradesmen's National Bank, were indicted yesterday by the Federal Grand Jury.

One indictment